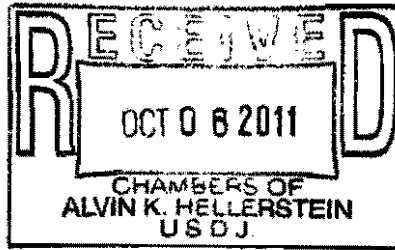




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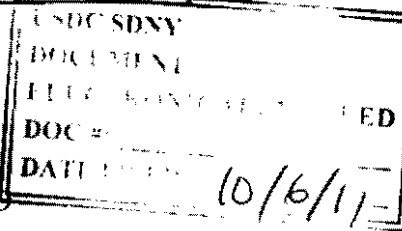


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October 4, 2011

VIA E-MAIL AND HAND DELIVERY

Honorable Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 1415
New York, NY 10007



So ordered, 10-6-11
schedule - 10-6-11
Alvin K. Hellerstein

Re: *In re World Trade Center Disaster Site Litigation, 21 MC 100*


Dear Judge Hellerstein:

We write on behalf of The Port Authority of New York and New Jersey and counsel for the plaintiffs to advise the Court with respect to the status of the pending motion for summary judgment filed by the Port Authority earlier this year.

On April 13, 2011, the Port Authority moved to dismiss the claims of 40 of the then 85 SPA "opt-out plaintiffs" on the ground that they had failed to comply with New York Unconsolidated Laws Section 7101 *et seq.*, the Port Authority's Suability Statute. Some of the 40 plaintiffs who were the subject of the motion have since settled with the Port Authority. Others have dismissed their claims. The opt-in period for the Port Authority settlement has expired. As a consequence, there remain only 22 plaintiffs as to whom the motion presently applies. Of these, five (noted below) are among the cases selected by the Court to be "trial" plaintiffs. To be clear, all of the 22 plaintiffs were eligible to participate in the Port Authority settlement but have chosen not to.

Plaintiffs have not yet filed a response to the pending motion. Counsel for plaintiffs on this motion (the Napoli law firm and Stephen M. Cantor, P.C.) have agreed to file their responses by October 26, 2011, and the Port Authority will file its reply papers within ten days thereafter (by November 7, 2011).

The Port Authority will also be filing shortly a similar motion relating to one additional Napoli plaintiff, Richard Volpe, who is an SPA "opt-out plaintiff" and is also designated as a trial plaintiff. With the Court's consent, the schedule set forth above will apply to the Volpe motion as well.

 **SCHIFF HARDIN**^{LLP}
Judge Hellerstein
October 4, 2011
Page 2

All parties respectfully request that the Court “so order” this schedule.

The Port Authority filed a similar motion in January 2010 seeking to dismiss the claims of plaintiffs selected for in-depth discovery under Case Management Order 8. After that motion was fully briefed and argued, but before the Court ruled, the City and its contractors announced their settlement agreement with plaintiffs. All of the plaintiffs who were at issue in the January 2010 motion subsequently settled their claims against the Port Authority. We remind the Court of the January 2010 motion only to note that – with the exception of recent Second Circuit law addressed in the Volpe motion papers – the legal issues involved in the present motion have already been fully briefed and argued (albeit as applied to a different group of plaintiffs).

The 22 plaintiffs who are still the subject of the pending motion are listed below, the trial plaintiffs marked by an asterisk:

Sebastian Bartolotta
Maurice Davis
John DeFano
Patricia Defeo
Chris Devlin
Stanislaw Faltynowicz
Edward M. Ferraro *
Melvin Glover
Bruce Greenberg
Charles Logan
John Marshall *

Robert J. Martin
Mimi Netrosio
Richard Prager *
Joseph Ragazzo
John Ruis
Sotereos Samothrakis
Robert Schor *
Steven Schuler
Joseph Trembone
Michael Vaughan
John Walcott *

Thank you for your consideration of this joint request.

Sincerely,



Paul A. Scrudato

cc: Christopher LoPalo (Worby Groner Edelman & Napoli Bern, LLP) (by e-mail)
Stephen M. Cantor, P.C. (by e-mail)